

PHILLIP A. TALBERT
United States Attorney
JUSTIN L. LEE
Assistant U.S. Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
(916) 554-2700

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	2:22-MJ-0078-DB
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING PRELIMINARY
v.)	HEARING DATE
)	
ROBERTO TOSTADO-CADENAS,)	
)	Judge: Hon. Jeremy D. Peterson
Defendant.)	
)	
)	
)	

STIPULATION

The United States, by and through its undersigned counsel, and the defendant, by and through his counsel of record, hereby stipulate as follows:

1. By prior order, this matter was set for Preliminary Hearing on June 14, 2022.
2. By this Stipulation, the parties now move to continue the Preliminary Hearing until July 14, 2022, at 2:00 p.m. Related defendant Jose Curiel (2:22-MJ-0079-DB) is scheduled for a Preliminary Hearing on July 14, 2022.
3. The defendant made his initial appearance on May 24, 2022.
4. The defendant is presently in custody pending trial in this matter.

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- 1 5. The parties need additional time to explore potential pre-indictment resolution of
2 this matter. The parties need further time to discuss this matter, discuss any
3 potential consequences, and to allow counsel for the defendant reasonable time
4 necessary for preparation and further investigation.
- 5 6. The defendant understands that pursuant to 18 U.S.C. § 3161(b), “any information
6 or indictment charging an individual with the commission of an offense shall be
7 filed within thirty days from the date on which such individual was arrested.” Time
8 may be excluded under the Speedy Trial Act if the Court finds that the ends of
9 justice served by granting such a continuance outweigh the best interests of the
10 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The parties
11 jointly move to exclude time within which any indictment or information shall be
12 filed from the date of this order, through and including July 14, 2022, pursuant to
13 18 U.S.C. § 3161(h)(7)(B)(iv), because failure to do so would “deny counsel for the
14 defendant . . . the reasonable time necessary for effective preparation, taking into
15 account the exercise of due diligence.”
- 16 7. Good cause exists under Rule 5.1(d) of the Federal Rules of Criminal Procedure.

17 **IT IS SO STIPULATED.**

18
19 DATED: June 13, 2022

/s/ Justin L. Lee
JUSTIN L. LEE
Assistant U.S. Attorney

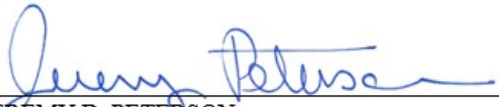
20
21 DATED: June 13, 2022

/s/ Clemente Jimenez
CLEMENTE JIMENEZ
Attorney for Roberto Tostado-Cadenas
(as authorized on June 11, 2022)

ORDER

IT IS SO FOUND AND ORDERED:

Dated: June 13, 2022


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE